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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,072	04/24/2006	Jee Woong Seol	K-0793	9022
34610 7590 11/14/2008 KED & ASSOCIATES, LLP P.O. Box 221200 Chantilly, VA 20153-1200				
EXAMINER				
NGUYEN, TU X				
ART UNIT		PAPER NUMBER		
2618				
MAIL DATE		DELIVERY MODE		
11/14/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/577,072

**Applicant(s)**

SEOL, JEE WOONG

**Examiner**

TU X. NGUYEN

**Art Unit**

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 August 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 10-13 is/are pending in the application.  
4a) Of the above claim(s) 5-9 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-4 and 10-13 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 28 April 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Examiner comments**

Claims 5-9 have been withdrawn.

### ***Response to Amendment***

Applicant's arguments with respect to claims 1-4 and 10-13, have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-4 and 11-13, are rejected under 35 U.S.C. 102(e) as being anticipated by Kadaba et al. (US Pub. 2002/0172217).

Regarding claim 1, Kadaba et al. disclose a transmission power control method of a forward- acknowledgement channel, comprising:

receiving packet transmission control information in a base station, the received packet transmission control information including a boost identifier to identify a boost operation (par.034, "SPID" corresponds to "boost identifier"); and

determining a power of a transmission signal to be transmitted from the base station via the forward-acknowledgement channel (F-ACKCH) using an increment for a reference transmission power value of a boost mode when the packet transmission control information contains the boost identifier to identify the boost operation (par.036, "power up" corresponds to "an increment for a reference transmission power").

Regarding claim 2, Kadaba et al. disclose the increment for the reference transmission power value is determined based on a sub-packet identification (SPID) (par.029, 034) or a service data unit length (SDU\_length) transmitted via a reverse-packet data control channel.

Regarding claim 3, Kadaba et al. disclose the power of the transmission signal to be transmitted via the forward-acknowledgement channel (F-ACKCH) is determined of by adding the increment to the reference transmission power value of the boost mode when the signal is an acknowledgement (ACK) signal (par.036).

Regarding claim 4, Kadaba et al. disclose the power of the transmission signal to be transmitted via the forward-acknowledgement channel (F-ACKCH) is determined by adding the increment to the reference transmission power value of the boost mode when the signal is a non-acknowledgement (par.036).

Regarding claim 11, Kadaba et al. disclose the SPID represents a sequence of a sub-packet (par.034).

Regarding claim 12, Kadaba et al. disclose the transmission signal comprises an acknowledge signal (par.036).

Regarding claim 13, Kadaba et al. disclose the transmission signal comprises a non-acknowledge signal (par.036, "NACK" corresponds to "non-acknowledge signal").

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kadaba et al. (US Pub. 2002/0172217) in view of Das (US Pub. 2003/0157953).

Regarding claim 10, the Kadaba et al. fail to teach the SDU\_length represents a length of a payload.

Das discloses SDU\_length represents a length of a payload (par.055). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Kadaba et al. with the above teaching of Das in order to indicate the type of control/signaling information.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is 571-272-7883.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tu X Nguyen/

Examiner, Art Unit 2618

11/04/08